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RAILROADS — TITLE TO LAND OR RIGHT OF WAY — RIGHT OF OWNER TO OUST RAILROAD WRONGFULLY IN POSSESSION. — A railroad company paid consideration for certain lands and constructed its roadway upon them. The plaintiff was cognizant of this occupancy, but believed the title of the railroad company to be unassailable. After several years, it developed that the plaintiff had an unclouded title to the land, and she brought suit to obtain possession. By statute it was provided that a railroad must pay compensation before entrance upon land for the purpose of condemnation. *Held*, that the plaintiff cannot recover possession, but can recover only the value of the land as of the date when the railroad took possession. *Pons v. Yazoo & Mississippi Valley R. Co.*, 59 So. 721 (La.).

It is a general doctrine that when a railroad occupies land without having employed its privilege of eminent domain the rightful owner may bring ejectment. *Louisville, St. L. & T. R. Co. v. Rudd*, 30 S. W. 604 (Ky.); *McClinton v. Pittsburg, F. W. & C. Ry. Co.*, 66 Pa. St. 404. See *State v. Summerville*, 104 La. 74, 86, 28 So. 977, 982. Many cases hold that where entry and improvement are made with the owner's knowledge and sufferance he is estopped from later ousting the railroad. *Taylor v. Chicago, M. & St. P. R. Co.*, 63 Wis. 327, 24 N. W. 84; *Lawrence v. Morgan's, etc. Steamship Co.*, 39 La. Ann. 427, 2 So. 69. But the law prescribes a mode by which a railroad may lawfully obtain property, and there seems no sufficient reason why the courts should be more ingenious in inferring estoppels for the benefit of wrongdoing railroads than for the benefit of other trespassers. *Hooper v. Columbus & Western Ry. Co.*, 78 Ala. 213; *St. Joseph & Denver City R. Co. v. Callender*, 13 Kan. 496. But see 2 ELLIOTT, RAILROADS, 2 ed., § 1055. It is difficult to see how the court applies the estoppel doctrine to the facts of the principal case. *Cf. Bradley v. Missouri Pacific Ry. Co.*, 91 Mo. 493, 4 S. W. 427. Some courts, however, urge that public convenience demands that a railroad should not be ousted. *Indiana, B. & W. Ry. Co. v. Allen*, 113 Ind. 581, 15 N. E. 446. Whether the common-law property right of the landowner should be sacrificed to utilitarianism admits of argument. *Stretton v. Great Western & Brantford Ry. Co.*, 40 L. J. Eq. 50. See LEWIS, EMINENT DOMAIN, 2 ed., § 648. In any event the courts could in extreme cases protect public interests by staying execution long enough to give the railroad reasonable opportunity to expropriate. See *Illinois Central R. Co. v. Le Blanc*, 74 Miss. 650, 21 So. 760; *Pittsburgh & Lake Erie R. Co. v. Bruce*, 102 Pa. St. 23, 35. *Contra, Strong v. Brooklyn*, 12 Hun (N. Y.) 453. The reasons advanced by the court hardly warrant the handing over of land, demanded by the rightful owner, to a railroad which has never employed the machinery of eminent domain.

RECEIVERS — LIABILITY OF LESSOR RAILROAD FOR EXPENSES OF RECEIVER OF LESSEE. — A lease of a railroad provided for assumption of the lessor's liabilities and forfeiture upon twelve months' default on the lessee's covenants. Upon insolvency of the lessee road, a receiver was appointed who operated for a while and then renounced the lease. During operation, the receiver made expenditures to protect the lessor's franchise which made the result of the operation a loss. *Held*, that the lessor is chargeable with the loss. *Pennsylvania Street Co. v. New York City Ry. Co.*, "Termination of Lease Proceeding," C. C. A., Second Circ., 1912. See NOTES, p. 165.

TITLE, OWNERSHIP AND POSSESSION — WILD LANDS. — The plaintiff as security for a debt conveyed certain wild lands to the defendant, who paid taxes on the land but never entered into actual possession. The statute of limitations provided that no suit to redeem a mortgage should be brought more than twenty years after the mortgagee obtained possession of the land. The plaintiff brought suit to redeem more than twenty years after the con-